

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEN SANTOS HERNANDEZ

Petitioner,

v.

**COMMONWEALTH OF PENNSYLVANIA,
*et al.***

Respondents.

CIVIL ACTION NO. 22-4184

ORDER

AND NOW, this 25th day of September 2023, upon consideration of the Report and Recommendation (“R&R”) of the Honorable Carol Sandra Moore Wells, to which no objections have been filed, it is hereby **ORDERED** that:

1. The R&R [Doc. No. 15] is **APPROVED and ADOPTED**;¹ and
2. The Petition is **DISMISSED**. There is no basis for the issuance of a certificate of appealability.
3. The Clerk is directed to **CLOSE** the case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

¹ At the time the Petition was filed, Petitioner was a pretrial detainee, who argued that his speedy trial rights were violated and whose only request for relief was release on bail. The Magistrate Judge determined that the petition was moot as Petitioner posted nominal bail on February 15, 2023. The Court notes that Petitioner did not update his address on the docket after his release on bail. According to the state-court docket, Petitioner is now awaiting sentencing after his conviction on several charges on May 23, 2023, and therefore any claims raised in the Petition are either moot or unexhausted. *See Commonwealth v. Ken Santos Hernandez*, No. CP-23-CR-0003631-2021 (Del. Cnty. Ct. Comm. Pl.).